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FISCAL IMPACT STATEMENT

LS 7020

BILL NUMBER: HB 1376

NOTE PREPARED: Jan 10, 2008

BILL AMENDED:

SUBJECT: Drug Courts and Children in Need of Services.

FIRST AUTHOR: Rep. Bell

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 X DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: This bill allows a parent, guardian, or custodian of a child who has been adjudicated a Child in Need of Services (CHINS) due at least in part to the substance abuse of the parent, guardian, or custodian to participate in a drug court and receive intervention, treatment, and rehabilitative services. The bill specifies that if the parent, guardian, or custodian: (1) successfully completes drug court; or (2) has the person's participation in the drug court terminated; that fact must be taken into consideration when modifying a dispositional decree concerning the Child in Need of Services. It provides that, in addition to certain other conditions, a court may defer criminal or juvenile proceedings and place a person who is a parent, guardian, or custodian of a child who has been adjudicated a Child in Need of Services in a drug court only if the Department of Child Services (DCS) consents to the referral.

Effective Date: July 1, 2008.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: This bill will make a legal guardian of a child who has been judicially determined to be a Child In Need of Services (CHINS) due to substance abuse of the legal guardian eligible for drug court intervention. This bill increases the population of individuals that are eligible for drug court intervention which can (1) increase the workload of drug courts and (2) increase costs associated with treatment of the additional population. Increases in expenses for drug court intervention and treatment will depend on (1) the number of individuals who would become eligible for the program, (2) how many court referrals are made to send individuals to drug court, (3) how many legal guardians of CHINS that are referred to drug court consent to the referral, and (4) if the prosecuting attorney consents to the referral.

This bill expands the jurisdiction of drug courts to include courts having felony, misdemeanor, or juvenile jurisdiction in a city or county to accept an eligible individual who is referred to the drug court from another court under certain criteria. The bill allows juvenile courts (the courts of jurisdiction in CHINS cases) the authority to refer legal guardians of CHINS who were determined substance abusers to drug court intervention programs provided that DCS consents to the referral. Actual increases in drug court participation will depend on individuals that are adjudicated in CHINS cases due to substance abuse that DCS approves for drug court referral.

The bill provides that if program participation of a legal guardian in a CHINS case is terminated due to certain conditions, the drug court is required to either modify the disposition entered by the drug court in the CHINS case or refer the case back to the court of original jurisdiction to modify the decree considering the participation termination. The drug court is required to (1) modify a determination in a CHINS case made by the drug court or (2) refer the case back to the court of original jurisdiction if the individual completes the drug court intervention. These requirements will increase workload of local courts to the extent that drug courts refer cases back to the court of original jurisdiction.

Drug court costs may be financed out of the city general fund or the county general fund depending on the location of the drug court. An increase in the number of people who are moved into the drug court system can increase the expenditures of the city or county the court has jurisdiction in.

Background Information: Department of Child Services reports that in FY 2005, there were 2,271 types of maltreatment allegations due to neglect related to substance abuse and no cases of physical or sexual abuse reported due to substance abuse. Additionally, 24% of reported cases of neglect during FY 2005 were substantiated. This implies that 545 CHINS neglect cases decided due to drug-related conditions can be expected to be substantiated and eligible for drug court intervention. Additionally, the Indiana State Court Administration reports that there were 9,865 CHINS cases filed in FY 2005, of which 8,032 were disposed.

Explanation of Local Revenues: Courts establishing a drug court may require an eligible individual to pay a fee for services that the court collects. Fees assessed against individuals eligible for drug court intervention are not allowed to exceed \$500 per referral. These funds are deposited into the Indiana Judicial Center Drug Court Fund, which is administered by the Indiana Judicial Center and is a non-reverting account. It is not known how much each county charges for fees or how much revenue this will generate for the fund. The maximum amount of revenue this bill may create for the Fund is \$272,500 if 545 cases are referred to drug courts.

State Agencies Affected: Department of Child Services.

Local Agencies Affected: Drug Courts, Juvenile Courts.

Information Sources: State Court Administration, Department of Child Services.

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